

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CHRISTOPHER JOHNSON, et al.,

Plaintiffs,

v.

TRINITY COURIERS, INC., et al.,

Defendants.

Case No. 1:19-cv-00686
McFarland, J.; Bowman, M.J.

STATUS REPORT AND REQUEST FOR STATUS CONFERENCE

Plaintiffs Christopher Lymon, Marcus Johnson, Christopher Johnson, Veronica Renda, and Tatiana Mance (“Plaintiffs”) hereby submit this status report pursuant to the Court’s Order of November 22, 2019, *see* ECF No. 12.¹ Plaintiffs request that the case be scheduled for a status conference.

1. This matter was filed on August 20, 2019, asserting claims under the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.*, and under Ohio and Missouri state wage laws. *See* ECF No. 1.

¹ Defendants Trinity Couriers, Inc., Trinity Couriers of Ohio, Inc., Rush of Ohio, Inc., Trinity Couriers of Houston, Inc., Trinity Couriers of Kansas, Inc., Trinity Couriers of St. Louis, Inc., Trinity Couriers of San Antonio, Inc., Trinity Couriers of Austin, Inc., Trinity Couriers of DFW, Inc., Trinity Couriers of Minnesota, Inc., and Trinity Couriers of Denver, Inc., (collectively, “Trinity Couriers” or “Defendants”) are represented by Mr. John Jackson. Mr. Jackson is not admitted to this Court, and, in connection with settlement discussions as a courtesy, Plaintiffs agreed to file ECF Nos. 10 & 12 so that Defendants would not need to retain local counsel, at Mr. Jackson’s request. Mr. Jackson’s email contact information is jjackson@trinitycouriers.com, and his mailing address is Trinity Couriers, Inc. c/o John L. Jackson, 19365 FM 2252 #5, Garden Ridge, Texas 78266. Plaintiffs have attempted to confer with Mr. Jackson around the instant filing; however, Plaintiffs have not heard back from Mr. Jackson, despite multiple attempts, including on February 7, 2020, February 14, 2020, and February 17, 2020.

2. Since September 2019, the Parties have held discussions in an effort to resolve the dispute without further litigation, and on October 2, 2019, the Parties jointly moved this Court for a sixty (60) day stay of all proceedings for purposes of mediation. *See* ECF No. 10. The Court granted the stay on October 3, 2019, and directed the Parties to submit a Status Report by November 18, 2019. *See* ECF No. 11.

3. Following the entry of the Court's October 3, 2019, Order, the Parties engaged in meet and confer calls and agreed on a framework for an alternative dispute resolution process with respect to the class and collective as defined in Plaintiffs' Complaint (ECF No. 1 at ¶¶ 47-49). The Parties also agreed to toll the statute of limitations on the FLSA.

4. In connection with this process, the Parties agreed that Defendants would provide to Plaintiffs certain documents necessary for the Parties to engage in meaningful negotiations. Defendants made an initial production of documents on or around September 20, 2019, and a subsequent, limited production on November 19, 2019. Defendants, through their counsel, agreed to provide such additional data and documents by no later than November 25, 2019.

5. On November 18, 2019, the Parties jointly submitted a status report requesting additional time within which to engage in a resolution process.

6. The Court granted the Parties' request on November 22, 2019.

7. Defendants did not provide any additional data or documents by November 25, 2019 – or at any time thereafter – despite repeated and detailed requests from Plaintiffs, including on October 22, 2019, November 12, 2019, January 10, 2020, and January 29, 2020. Plaintiffs are not able to participate in meaningful settlement negotiations without this information.

8. Plaintiffs appreciate the time that the Court has afforded the Parties to attempt to resolve this matter and to preserve the resources of the Court and the Parties. Given the posture

of the case and Defendants' lack of responsiveness, Plaintiffs respectfully request that the Court schedule a status conference in order to move forward with this litigation.

Respectfully submitted, this 18th day of February 2020.

CHRISTOPHER JOHNSON, et al.

By: /s/ Sarah R. Schalman-Bergen
One of Plaintiffs' Attorneys

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*Attorneys for the Plaintiffs and the
Proposed FLSA Collective and
State Law Classes*

CERTIFICATE OF SERVICE

A copy of this document was served on counsel for Defendants by electronic mail and by Federal Express to the following address:

Trinity Couriers, Inc.
c/o John L. Jackson
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Garden Ridge, Texas 78266

Dated: February 18, 2020.

/s/ Sarah R. Schalman-Bergen